

# EXHIBIT D

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SEAN PAUL REYES,

Plaintiffs,

-against-

THE CITY OF NEW YORK,

Defendants.

**AFFIDAVIT OF  
PETER CALLAGHAN  
DKT NO. 23-CV-06369**

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Peter Callaghan, declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney admitted to practice in the State of New York. I am an NYPD Agency Attorney in the Legal Bureau's Police Action Litigation Section ("PALS") since December 2015. As an Agency Attorney, it is my responsibility to be familiar with relevant Federal, State and Local laws applicable to the NYPD and public safety. As an attorney in PALS my duties include liaising with New York City Law Department on civil lawsuits related to the NYPD, which includes cases involving false arrest, juveniles, undercover officers, confidential informants, investigations involving gang activity and domestic violence, and other incidents occurring inside police facilities. As such, I am familiar with the facts and circumstances stated herein.

3. This affidavit is based on my personal knowledge, as well as upon information provided by other employees of the NYPD and my command, and on records of the NYPD maintained in the ordinary course of business, which I believe to be true and accurate.

4. I submit this affidavit at the request of the New York City Law Department in support of Defendant's opposition to Plaintiff's motion for a preliminary injunction, which would result in members of the public being able to record inside the vestibules of police precincts.

5. Such an outcome would compromise the NYPD in their efforts towards ensuring the safety of the public and members of the NYPD.

6. Upon information and belief, NYPD precincts are the primary interface between members of the public and the NYPD. Many types of victims go directly to these precincts to report crimes or otherwise secure the services of the NYPD. Victims of gang violence, domestic violence, sex crimes, and even juveniles frequent the precincts to acquire services or interact with detectives. Enabling the public to record these victims when entering the precincts would compromise the safety of those victims and could have a chilling effect on crime reporting.

7. Upon information and belief, there are undercover officers and confidential informants who enter the precincts. If these individuals were to be recorded and those recordings then broadcast to the public in any way, the investigations being driven by those secret officers and informants would be compromised and expose those individuals to reprisals. This could likewise cause a chilling effect on participation in these essential crime-fighting programs.

8. Upon information and belief, investigations into gang violence can be particularly reliant on interactions reports from the public and frequently require conversations with detectives. The perception of security is necessary for members of the public to enter a precinct and speak to the police. If members of the public are able to freely record in the vestibules of the precincts, the perception of security may be compromised, chilling police interaction with the community.

9. Upon information and belief, not every NYPD precinct has the same or similar layout as the 61<sup>st</sup> Precinct. The safety of officers inside the precincts would be compromised by unabated recording in the vestibules. Many of the precincts are not closed off with walls, leaving large segments of the precinct open to recording. Some of the sensitive areas which may be exposed to recording are the location of weapons, keys to vehicles, radios, computer terminals, electrical breakers, and gas connections.

10. I am informed by the NYPD Intelligence Bureau there have been twenty-seven (27) bomb threats to NYPD precincts in calendar years 2022 and 2023.

11. In sum, recording inside a police facility implicates a number of law enforcement functions, and would severely harm the public interest in effective law enforcement and public safety.

Dated: New York New York  
September 1, 2023

  
Peter Callaghan